



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE REFER TO FILE: **PM-2**

September 26, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**JOB ORDER CONTRACT FOR
REPAIR OF COUNTY FACILITIES
REJECT BIDS, ADOPT, READVERTISE, AND AWARD
SPECS. VARIOUS; DSR VARIOUS
ALL SUPERVISORIAL DISTRICTS
3 VOTES**

**JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICER THAT
YOUR BOARD:**

1. Reject all bids received on July 31, 2002, for Job Order Contracts, adopt the JOC Specifications, and instruct the Executive Officer to readvertise for bids to be received on October 30, 2002, in accordance with the "Instruction Sheet for Publishing Legal Advertisements" (Enclosure).
2. Authorize the Director of Public Works to award a one-year JOC for a not to exceed fee of \$3,000,000 to the lowest responsible bidder for work related to repair and refurbishment of County facilities.
3. Instruct the Director of Public Works to prepare and execute the contract in the form previously approved by County Counsel and establish the effective date following receipt of approved Faithful Performance and Labor and Materials Bonds, insurance certificates, and satisfactory safety record filed by the contractor.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The JOC will augment the County's ability to effectively and efficiently respond to a broad array of facility repair demands from the 1994 Northridge Earthquake and other County repair or refurbishment projects under the direction of Public Works.

On July 9, 2002, your Board adopted the JOC Unit Price Book and Specifications for the repair and refurbishment of County facilities and instructed the Executive Officer to advertise for bids. Bidders were required to submit a set of cost adjustment factors that would be applied to the unit prices for work in the JOC Unit Price Book. The responsive bid was to be determined by calculating a composite factor using a predetermined and advertised formula.

Four bids were received on July 31, 2002. The three lowest bidders failed to submit bids complying with contract document bid requirements. The highest bid was submitted with a composite 1.55 bid factor and is not considered to be cost effective. After evaluation of the bid specifications, process, and results, Public Works has determined that further clarification of the bidding instructions to obtain consistent, competitive, and responsive bids is in the County's best interest. Therefore, Public Works recommends rejecting all bids and readvertising the JOC.

Because of the time involved in readvertising this JOC and the immediate need to initiate construction and repair/refurbishment projects, we recommend your Board authorize the Director to award a JOC for a not to exceed amount of \$3,000,000. This JOC will enable us to be more responsive on critical projects and help expedite capital projects and earthquake repair of facilities in the courts, health, justice, and general project areas. Because of the number of repair and refurbishment projects currently awaiting construction, we anticipate returning to your Board for approval of another JOC within the next two months.

JOC is a flexible and cost-effective unit price contracting method by which repair and refurbishment of County facilities can be expeditiously accomplished without extensive plans and specifications. Public Works has used 12 previous JOCs to repair or refurbish County buildings. This relatively simple and straightforward process reduces administrative requirements and lowers direct construction costs, while meeting all Federal, State, and County procurement requirements.

Current State law governing the use of JOC limits the term to one year and an annual cap of \$3,000,000 plus a cost-of-living adjustment. Since the contract value is specified as a range with a maximum value, which is not guaranteed, the contractor must perform satisfactorily in order to ensure receiving additional work orders during the one-year contract period.

Implementation of Strategic Plan Goals

This action meets the County's Strategic Plan Goal of Service Excellence as this construction contract will repair and improve public facilities sooner than with traditional construction contracting processes. Using JOC to complete earthquake recovery projects will give the public and County employees access to safer buildings that could prevent injuries or loss of life from future seismic events.

FISCAL IMPACT/FINANCING

Public Works' estimate for the composite bid factor for construction under the contract is a maximum of 1.36. In no event will a contract be awarded that is above the bid factor without returning to your Board for approval.

The maximum cost of the recommended contract will not exceed \$3,000,000. Sufficient funds are available in the Federal and State Disaster Aid Budget to cover the costs of earthquake-related repairs, which will be recovered through the FEMA/OES disaster claiming process, insurance carrier proceeds, and/or County funds as appropriate. Repair or refurbishment work accomplished through JOC related to nonearthquake projects will be financed through the appropriate capital or refurbishment project budgets. A \$1,500,000 encumbrance for earthquake-related repairs and a \$1,500,000 encumbrance for repair or refurbishment projects will be established. No work, either repair or refurbishment, will be assigned to the JOC program without the Chief Administrative Office's prior review and funding authorization. The contract will be administered by Public Works.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A standard contract, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for contract termination, renegotiation, and hiring qualified displaced County employees will be included in the contract.

The project specifications contain provisions requiring the contractor to report solicitations of improper consideration by County employees and allowing the County to terminate the contract if it is found that the contractor offered or gave improper consideration to County employees.

As requested by your Board on August 12, 1997, and as a threshold requirement for consideration for contract award, bidders will be required to attest their willingness to consider Greater Avenues for Independence Program participants for future employment.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works contracts.

As required by your Board, language has been incorporated into the project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal income tax laws.

Bidders will also be required to show full compliance with Los Angeles County Code Chapter 2.200 (Child Support Compliance Program) and Chapter 2.203 (Contractor Employee Jury Service Program).

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, their civil litigation history, and information regarding prior criminal convictions. The information reported will be considered before making a recommendation to award.

ENVIRONMENTAL DOCUMENTATION

The implementation of each work order under this JOC shall be subject to prior determination and documentation by Public Works that the work order is categorically exempt from the California Environmental Quality Act. In the event the work order is not exempt, your Board will be requested to approve the appropriate environmental finding and documentation prior to implementation. Federally funded work orders shall be subject to an environmental determination by the appropriate Federal agencies.

CONTRACTING PROCESS

Advertising for bids will be in accordance with the County's standard "Instruction Sheet for Publishing Legal Advertisements" (Enclosure).

As requested by your Board on February 3, 1998, these contract opportunities will be listed on the Office of Small Business website.

Public Works has evaluated and determined that the Living Wage Program (County Code Chapter 2.201) does not apply to the recommended contract as this contract is for non-Proposition A services.

Participation by Community Business Enterprise in the projects will be encouraged through Public Works' Capital Projects CBE Outreach Program and by monitoring the good faith efforts of bidders to utilize CBEs.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The use of this contract will expedite the completion of earthquake repair projects and other County construction repair or refurbishment work managed by Public Works. Public Works and the construction contractor will coordinate with the respective tenant departments to minimize minor operational impacts while repair or refurbishment work is underway.

The Honorable Board of Supervisors
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CONCLUSION

Please return one adopted copy of this letter to the Chief Administrative Office and Public Works.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

DAVID E. JANSSEN
Chief Administrative Officer

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Enc.

cc: County Counsel
Department of Public Social Services (GAIN Program)
Office of Affirmative Action Compliance

September 26, 2002

ENCLOSURE

**JOB ORDER CONTRACT FOR
REPAIR OF COUNTY FACILITIES
REJECT BIDS, ADOPT, READVERTISE, AND AWARD
SPECS. VARIOUS; DSR VARIOUS**

PUBLISHING LEGAL ADVERTISEMENTS: In accordance with the State of California Public Contract Code Section 20125, you may publish once a week for two weeks in a weekly newspaper, or ten times in a daily newspaper. However, the first publication must appear at least 15 days prior to the bid opening date. Forward three reprints of this advertisement to Architectural Engineering Division, Department of Public Works, 900 South Fremont Avenue, 8th Floor, Alhambra, California 91803-1331.

**OFFICIAL NOTICE
INVITING BIDS**

Notice is hereby given that Public Works will receive sealed bids for furnishings, materials, labor, and equipment required to complete construction for the following work:

<u>SD</u>	<u>SPECS.</u>	<u>PROJECT</u>	<u>BID DOC. FEE</u>	<u>DATE OF BID OPENING</u>
All	JOC Specs. and Req. Vols. 1-6	Job Order Contract PMD II 008	\$0	10/30/02

Bids shall conform to Bidding Requirements, General Conditions, Specifications, and Unit Price Books open for inspection at the Cashier's Office, Department of Public Works, 900 South Fremont Avenue, 1st Floor, Alhambra, California 91803. Copies of the above documents to be bid upon may be obtained at such office for a fee as indicated. For information regarding receipt of bid documents or project-related information, please call (626) 458-2563. Each bid shall be submitted on the required form, sealed, and filed at the Cashier's Office located at the above address before 10:45 a.m. on the date indicated. Bids will be publicly opened, examined, and declared by Public Works at 11:00 a.m. on this date in Project Management Division's Main Conference Room, 5th Floor, 900 South Fremont Avenue, Alhambra, California 91803.

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Bidders must comply with the provisions of the Bidding Requirements and General Conditions concerning bid guarantee, contract bonds, and insurance requirements. This project requires the prime contractor to possess a license classification of "B" at the time of award. The contractor should verify to his/her satisfaction that he/she holds the correct license for this type of project.

PRE-BID CONFERENCE

The Public Works' Project Management Team will hold a mandatory pre-bid conference at 9:00 a.m. on October 23, 2002, in Project Management Division's Main Conference Room, 5th floor, 900 South Fremont Avenue, Alhambra, California 91803, to provide information on the Job Order Contract, bidding process, and answer any questions that potential bidders may have.

OTHER INSTRUCTIONS

The County supports and encourages equal opportunity contracting. The contractor shall make good faith efforts, as defined in Section 2000 of the Public Contract Code relating to contracting with Community Business Enterprises.

The Board of Supervisors reserves the right to reject any or all bids or to waive technical errors and discrepancies in bids submitted in the public's interest.

Si necesita información en español, por favor llame al Telefono (626) 458-2563.



Upon 72 hours notice, the Department can provide program information and publications in alternate formats or make other accommodations for people with disabilities. In addition, program documents are available at our main office in Alhambra (900 South Fremont Avenue), which is accessible to individuals with disabilities. To request accommodations ONLY, or for more ADA information, please contact our departmental ADA Coordinator at (626) 458-4081 or TDD (626) 282-7829, Monday through Thursday, from 7:00 a.m. to 5:30 p.m.



Con 72 horas de noticia, el Departamento puede proveerle información y publicaciones sobre el programa y formatos alternativos o hacer adaptaciones para incapacitados. Además, documentación sobre el programa está disponible en nuestra oficina principal en Alhambra (900 South Fremont Avenue), la cual es accesible para individuos con incapacidades. Para solicitar adaptaciones SOLAMENTE, o para mas información del ADA, pongase en contacto con nuestro Coordinador del ADA del departamento al (626) 458-4081 o TDD (626) 282-7829, de Lunes a Jueves de las 7:00 a.m. a 5:30 p.m.

By order of the Board of Supervisors of the County of Los Angeles, State of California, dated October 8, 2002.

VIOLET VARONA-LUKENS, EXECUTIVE OFFICER
OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES